

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN BURTON,

Plaintiff,

VS.

CRYSTAL BENSON & RENEE COOPER,  
Defendants.

NO. CV-06-0273-JLQ

## ORDER DENYING MOTIONS AND CLOSING FILE

## Defendants.

On April 18, 2011, Plaintiff filed another Rule 60(b) Motion to Vacate Judgment (**ECF No. 290**) and a Motion for Reconsideration (**ECF. No. 291**) of the court's earlier summary judgment decision, which Plaintiff has already once appealed to the Ninth Circuit unsuccessfully. Plaintiff has also simultaneously filed a Notice of Appeal to the Ninth Circuit (ECF No. 294). On March 15, 2011 the court considered and denied Plaintiffs' earlier filed Rule 60(b) motion. The Plaintiff's motions now before the court offer no reason to reconsider the court's March 15, 2011 decision. Accordingly, Plaintiff's Motion to Vacate Judgment (**ECF. No. 290**) is **DENIED**. Moreover, Plaintiff's Motion for Reconsideration (**ECF. No. 291**) is **DENIED** as the simultaneous filing of the Notice of Appeal divests this court of jurisdiction to consider such a motion.

**IT IS SO ORDERED.** The Clerk of this court shall enter this Order, forward copies of this Order to the parties, as well as a copy of the court's March 15, 2011 Order to Mr. Burton, and CLOSE THE FILE.

**DATED** this 22nd day of April 2011.

*s/ Justin L. Quackenbush*  
~~JUSTIN L. QUACKENBUSH~~  
SENIOR UNITED STATES DISTRICT JUDGE